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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,622	12/29/2003	Thanasis Molokotos	SAR100062000	7511

22891 7590 12/16/2004

DELIO & PETERSON
121 WHITNEY AVENUE
NEW HAVEN, CT 06510

EXAMINER

ROYAL, PAUL

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,622

Applicant(s)

MOLOKOTOS 

Examiner

Paul Royal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-3 and 11 is/are rejected.
- 7) ☒ Claim(s) 4-10, 12, 13, 15-17, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/29/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The Formal drawings were received on 11/26/04. These drawings are acceptable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1-3 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Frolov et al. (US 6,715,225).

Frolov et al. teaches an illuminated exit device comprising:

a door latch mechanism (see column 2, lines 1-5);

a base (12) for attachment to a surface of a door;

an elongated pushbar actuator (20) movably mounted relative to the base and connected to operate the latch mechanism when pressure is applied to the actuator;

a planar electro-luminescent illuminator (30) including electrical wiring (60,62) extending through the exit device for connection to a source of electrical power;

a planar sign (24) including opaque portions for blocking illumination from the

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electro-luminescent illuminator, the sign being mounted in front of the electro-luminescent illuminator, the sign forming the word "EXIT"; and

a transparent protective cover (22) mounted in front of the sign, the illuminator, sign and covering plate forming a sign assembly visibly mounted on the exit device,

wherein the sign assembly is mounted on the actuator and pressure applied to the sign assembly will operate the exit device,

the sign assembly further including a touchpad (26) mounted on the actuator, and wherein the sign assembly is mounted on the touchpad.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frolov et al. (US 6,715,225) in view of Parra (US 6,111,370).

Frolov et al. teaches an illuminated exit device having the claimed limitations except and inverter.

Parra teaches a high efficiency gas discharge exit sign including an inverter (10) supplying power to an electro-luminescent illuminator (13) to provide an improved exit sign which is low in cost and low in energy consumption.

It would have been obvious to one of ordinary skill in the art at the time for the invention to modify the illuminated exit device of Frolov et al. to replace the light emitting diodes of Frolov et al. with a base mounted inverter supplying power to an electro-luminescent illuminator, as taught by Parra, to provide an improved exit sign which is low in cost and low in energy consumption.

For claim 18, where Frolov et al. teaches mounting its PC power/lighting board (30) adjacent the base/housing (12), it would be obvious to mount the inverter on the base/housing so that it would be near the PC board (30).

Allowable Subject Matter

4. Claims 4-10, 12, 13 and 15-17, and 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter:

For claims 4-8, the prior art does not show an illuminated exit device as recited in the independent claim, and as applicable to the dependent claims, which includes a touchpad having a surface cavity with the sign mounted in the surface cavity with the transparent cover positioned flush with the surface of the touchpad.

For claims 9 and 10, the prior art does not show an illuminated exit device as recited in the independent claim, and as applicable to the dependent claims, which includes opaque film attached to the transparent cover.

For claim 12, the prior art does not show an illuminated exit device as recited in the independent claim, and as applicable to the dependent claims, which includes wherein the electro-luminescent illuminator is encased in a transparent plastic comprising an electrical insulator.

For claims 13, the prior art does not show an illuminated exit device as recited in the independent claim, and as applicable to the dependent claims, which includes a touchpad having a surface cavity as recited and the exit device further including the transparent cover having tabs and the sign assembly being held in the touchpad surface cavity by engagement with the cover tabs.

For claims 15-17, the prior art does not show an illuminated exit device as recited in the independent claim, and as applicable to the dependent claims, which includes an inverter which provides high voltage AC power to the illuminator as recited.

For claims 19, the prior art does not show an illuminated exit device as recited in the independent claim, and as applicable to the dependent claims, which includes wiring extending through a base opening which faces towards the door/base mounting surface and extending from an electrical hinge to an opening in the door surface to permit connection between the power wiring and the internal wiring where the internal wiring is understood to be the wiring hidden from view within the exit device.

For claims 20, the prior art does not show an illuminated exit device as recited in the independent claim, and as applicable to the dependent claims, which includes a cover removable without removal of the exit device from the door.


Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Soemer teaches a lock push plate device. Kihn et al. teaches a door bolt. Cook et al. teaches a touch bar release system. Frolov et al. '708 teaches a latching exit bar. Bach et al. teaches an illuminate handle.

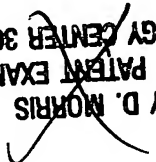
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Royal whose telephone number is 703-308-8570. The examiner can normally be reached on 8:30-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


P. Royal
12/13/04

Paul Royal
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